

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,
VILLAGE HALL, ON WEDNESDAY, JUNE 5, 1996.**

Members

Present: Patrick J. Gilmartin, Chairman
William Bush
William Hoffman, Secretary
Peter Lilienfield

Members

Absent: Robert Buford

Also Present: Brenda Livingston & Joseph Elliot, Ad
Hoc Planning

Board Members

Eugene Hughey, Building Inspector
Florence Costello, Planning Board Clerk
Thomas Jackson, Environmental Conservation

Board

Desiree Garvin, Court Reporting Services,
for Mercy College
Applicants and other persons mentioned in
these Minutes
Members of the Public.

IPB Matters

Considered: 94-03 -- Westwood Development
Associates, Inc.

Sht. 10,11, Lot 25, 25K, P25J2

95-23 -- Mercy College

Sht. 9, P-44.45.46.47.48.49

96-06 -- Holy Spirit Association for the

Unification of

World Christianity - Lot #2

96-08 -- Simun & Vesna Luburic

Sht. 10C, Bl. 256, Lot 25B

96-09 -- Rodgin & Barbara Cohen

Sht. 2, P-109A, 109A2

96-10 -- George Rowe

Sht. 5, Bl. 208, Lot 50

96-11 -- Arthur & Judith Beiss

Sht. 6, Bl. 217, Lot 40A, 36A

The Chairman called the meeting to order at 8:00 PM.

Chairman considered Administrative Matters:

1. Mr. William Hoffman appointment by Mayor and Board of Trustees term to expire April 1, 2001, Mr. Joseph Elliot as Ad Hoc member of Planning Board. The Board thanked Mr. Elliott for his ten years of service. The Chairman stated that during Mr. Elliot's tenure he had made many valuable contributions toward solving problems before the Board, and expressed his pleasure that the Board would still have the benefit of Mr. Elliot's knowledge and judgment as an Ad Hoc member.

2. On motion of Mr. Bush, duly seconded and unanimously approved, Mr. Hoffman was appointed Secretary of the Planning Board, replacing Mr. Bush in this capacity.

3. The Chairman noted that the Subdivision Regulations of the Village (Chapter 207 of the Village Code) require the In Lieu Fee pursuant to Section 207-20 of the Subdivision Regulations which is payable by a subdivider who is required to dedicate to the Village less than a Proportionate Recreation Share in order to meet New Development Park Demand is to escalate every January 1, based on the change in the US. Dept. of Labor, Consumer Price Index, Urban Wage Earners and Clerical Workers (CPI-W) U.S. City average, all items. Because the index is prepared on a monthly basis, rather than a daily basis, the Board determined that it would be appropriate to continue its past practice of using the index for December as a benchmark for the index as of January 1, in each year rather than to use the January index, and to use index unadjusted for seasonal variation. The index in December 1988 was 355.0 1967=100. The index in December 1995 was 449.5 up from 438.6 in December 1994. The Board then calculated the In Lieu Fee applicable to the calendar year 1996 as follows:

CPI	December 1995	449.5	
CPI	December 1988	355.0	
449.5	- 355.0	=	126.62%

\$6,000 x 126.62% = \$7,597.20

On motion duly made, seconded and unanimously carried, the Board decided to round the result of the calculation and determined the In Lieu Fee applicable to calendar year 1996 to be \$7,597.00.

4. The Chairman noted receipt of a letter from John Dedyo (IPB #90-20) dated May 3, 1996, informing Board that the Site Improvement Bond for the subdivision is currently in place.

5. Gerald Reilly, Esq., appeared on behalf of the Moghtaderi Application. The Chairman read aloud his letter addressed to the Dobbs Ferry Planning Board, dated May 29, 1996 regarding the Moghtaderi Subdivision Application (IPB #96-07). The key requests were that the lot to be created in Dobbs Ferry will never have more than one dwelling unit and that no part of it will ever be used to give access to other lots or properties in the Village of Dobbs Ferry. Mr. Reilly stated that the Applicant was in agreement with both requests.

6. David S. Steinmetz, Esq., representing RR Irvington Associates, noting current extension expired May 31, 1996, requested an extension of three months to complete infrastructure of Phase I of the project, and also a Phase II extension to January 1997. These were approved.

IPB Matter #96-08:
Luburic for

Application of Simun & Vesna
Site Capacity Determination for
property at
Riverview Road.

Barry Milowitz, Architect, and Mr. Luburic, appeared on behalf of the Application. Applicant plans to construct a one family residence, and as requested at the May 1, 1996 meeting, submitted an application for Site Capacity Determination. The Chairman noted a memo from Ralph Mastromonaco, dated May 7, 1996 that he agreed with the calculation of the site capacity of the lot as being one (1) dwelling unit.

There were no comments from public. On motion duly made, seconded, and unanimously carried, the Board determined the site capacity of the lot to be one (1) dwelling unit.

IPB Matter #96-09:
Barbara Cohen for

Application of Rodgin &

Approval for
Matthiessen Park.

Waiver of Site Development Plan
property at 21

Fred Good, Architect, Wadia Enterprises, appeared on behalf of the Applicant. Applicant proposes a one story garage addition comprising approximately 520 square feet of additional enclosed space. Thomas Jackson, ECB Chair, presented a letter to the Chairman giving ECB comments pursuant to referral because the property is in the Village Open Space Inventory, which he read aloud. There were no comments from public. The Board determined that the Application was Type II for SEQRA purposes but because it is in a critical environmental area pursuant to County Law, it might have to be classified as Type I. To avoid doubt, the Board made a Negative Declaration for waiver of site development plan approval.

After discussion, on motion duly made, seconded and unanimously approved the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed alteration and addition meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or

amending any of said Map, Plan or Ordinance, **NOW, THEREFORE,** the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

The Chairman then offered an apology to the Applicant for the delay in processing this application which occurred as a result of the property being on the Open Space Inventory. He stated that the Planning Board had no choice but to wait for the ECB comments, which in this case basically said there was no environmental problem and that the Applicant should consider granting a conservation easement. The Chairman said that the sentiment of the Planning Board was that the effect of having the Open Space Inventory was regulatory overkill and that he intended to write to the Board of Trustees asking that the action adopting the official Village Open Space Inventory be rescinded.

IPB Matter #96-10:
for Site

Application of George Rowe
Development Plan Approval for
property at
11 South Cottenet Street.

Mr. George Rowe appeared personally for the application. Applicant paid the required application fee and provided evidence of mailing of required Notice to Affected Property Owners. Applicant proposes to replace the existing shed/garage situated on the eastern border of the property. The replacement will have the same footprint as the existing structure on the north, east and south sides, but will be extended on the west side into yard of the Applicant. The peak of the roof of the shed and the peak of the roof of the garage will each be 1'10" higher than they are at present.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-17 of the Village Code that the proposed addition meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or depending on the action taken by the Zoning Board of Appeals as hereinafter proved, the Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application subject to approval by the Zoning Board of Appeals of any variance required in connection with the Application.

IPB Matter #96-11:
Judith Beiss for

Approval for
Park.

Application of Arthur and
Waiver of Site Development Plan
property at Elm

Mr. Nicholas Macri, of Stephen Tilly Architects, appeared on behalf of the application. Applicant paid the required application fee and provided evidence of mailing of required Notice to Affected Property Owners. The proposed development consists of the construction of a basement level family room on southern portion of existing residence, approximately 614 square feet. Because the Applicant's property abuts

Aqueduct a rear yard setback variance from the Zoning Board of Appeals will be required.
There were no comments from public.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-17 of the Village Code that the proposed addition meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or depending on the action taken by the Zoning Board of Appeals as hereinafter proved, the Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application subject to approval by the Zoning Board of Appeals of any variance required in connection with the Application.

IPB Matter #95-23:
for Amendment/

Application of Mercy College
Renewal of Special Permits.

Appearing on behalf of the Applicant were Dr. Sexter, President of Mercy College and Gerald Reilly, Esq., Applicant's counsel. A complete transcript of the proceedings relating to this matter was prepared and is incorporated by reference. Mr. Hoffman recused himself from all actions regarding this application; his place was taken by Mr. Joseph Elliot, Ad Hoc Planning Board Member.

The Chairman informed the Board that he was in receipt of an opinion from the Village Attorney, Kevin J. Plunkett, that based on review of the Village Code, Mr. Plunkett has concluded that the Building Inspector was correct in his observation made at the last meeting that the correct procedure was for the Board to authorize the issuance of a Special Permit but the person issuing the special permit so authorized should be the Building Inspector.

After discussion, upon motion duly made, seconded and unanimously carried, the Board adopted the Resolution annexed to these Minutes authorizing the Building Inspector to issue a Special Permit to Mercy College on the terms and conditions set forth in said Resolution.

IPB Matter #96-06:
Association for the

for Site
#2, East

Application of Holy Spirit
Unification of World Christianity
Development Plan Approval for Lot
Garden Subdivision.

Peter van Geldern, Architect, appeared on behalf of the application. Mr. van Geldern explained the modifications which had been made to the first proposed Site Plan for this lot after the Members of the Board had walked the site with representatives of the Applicant. After discussion, on motion duly made, seconded and unanimously carried, the Board then approved the Site Plan for Lot #2 which consists of the following:

Drawings prepared by Peter van Geldern, approved: "Cover Sheet," "East Garden Lot 2 Preliminary Design Proposal," dated June, 1996, "Full East Garden Site Map" dated May 1996, "Lot 2 Proposed House Location" dated March 1996, "Lot Two Front Elevation" dated May 1996, "Lot Two Site

Section" dated May 1996, "Lot 2 Proposed House Location and Utilities Connections", and "Utility Plan prepared by Michael R. Sterlacci, P.E., dated March 13, 1996.

IPB Matter #94-03:
Development

Site Development
Broadway,

Application of Westwood
Associates, Inc., for Limited
Plan Approval for property at
Riverview Road and Mountain Road.

This matter was carried over to the next meeting pending additional public hearing on the Link Road issue at the June 18, School Board meeting.

The Board then considered the following administrative matters:

Minutes of the Planning Board held on May 1, 1996, previously distributed, were on motion duly made and seconded, approved.

The next regular meeting of the Planning Board was scheduled for July 10, 1996.

There being no further business, the meeting was adjourned.

Respectfully submitted,

William Hoffman,

Secretary